

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN**

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**BRANDON JAMES ASHPOLE,**

Plaintiff,

v.

**Case No. 17-CV-1580**

**COMMISSIONER OF THE  
SOCIAL SECURITY ADMINISTRATION,**

Defendant.

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**ORDER DISMISSING ACTION**

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Brandon James Ashpole filed this action without the assistance of counsel on November 13, 2017, seeking judicial review under 42 U.S.C. § 405(g) of a final decision of the Commissioner of Social Security. *See* Complaint, ECF No. 1. On November 27, 2017, the Clerk of Court issued a briefing letter requiring Mr. Ashpole to file a brief in support of his claim by March 5, 2018. *See* Briefing letter, ECF No. 6. The matter was subsequently reassigned to this Court after all parties consented to magistrate judge jurisdiction. *See* Consent to Proceed Before a Magistrate Judge, ECF Nos. 4, 7 (citing 28 U.S.C. § 636(c) and Fed. R. Civ. P. 73(b)).

After Mr. Ashpole failed to file a brief in support of his claim, the Court issued an order directing him to show cause why he should not be sanctioned for failure to comply with the briefing letter. *See* Order to Show Cause, ECF No. 14. The Court warned Mr. Ashpole that failure to file a response to the show-cause order may result in dismissal of this action. Mr. Ashpole subsequently requested,

and the Court granted, an extension of time to comply with the show-cause order, making Mr. Ashpole's response due by May 3, 2018. *See* Order Granting Plaintiff's Request for an Extension of Time, ECF No. 16. That day has passed without a response from Mr. Ashpole. Nor has Mr. Ashpole filed a brief in support of his claim. Accordingly, the Court will dismiss this action for lack of diligence.

**NOW, THEREFORE, IT IS HEREBY ORDERED** that, pursuant to Fed. R. Civ. P. 41(b) and E.D. Wis. Civ. L. R. 41(c), this action is **DISMISSED** for lack of diligence and failure to comply with Court orders. Pursuant to Local Rule 41(c), Mr. Ashpole may petition for reinstatement of this action within 21 days of this Order.

**IT IS FURTHER ORDERED** that the Clerk of Court enter judgment accordingly.

Dated at Milwaukee, Wisconsin, this 31st day of May, 2018.

**BY THE COURT:**

*s/ David E. Jones*  
DAVID E. JONES  
United States Magistrate Judge